

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

RYAN W ROBERTS,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:20-00076-CV-RK
	)	
THE DEPARTMENT OF VETERANS	)	
AFFAIRS, VETERANS HEALTH	)	
ADMINISTRATION; DR. RICHARD	)	
STONE, EXECUTIVE IN CHARGE VHA;	)	
DR WILLIAM PATTERSON, VISN 15	)	
DIRECTOR; RICKY AMENT, ROBERT J	)	
DOLE VAMC FACILITY DIRECTOR;	)	
VALERIE MCCLARAN, PSB	)	
CHAIRPERSON, CRNA; CHRISTINA	)	
DEAN, EMPLOYEE	)	
RELATIONS/LABOR RELATIONS; AND	)	
SANDRA MILLER, EMPLOYEE	)	
RELATIONS/LABOR RELATIONS;	)	
	)	
Defendants.	)	

**ORDER GRANTING MOTION FOR SERVICE BY A UNITED STATES MARSHAL**

Before the Court is Plaintiff's pro se motion requesting that the Court order the United States Marshals Service to serve process on the Defendants named in the Complaint. (Doc. 20.)<sup>1</sup> Generally, a plaintiff is responsible for having the summons and complaint served by a nonparty who is at least 18 years old. Fed. R. Civ. P. 4(a)-(b). Service by a United States marshal is mandatory only "if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916." Fed. R. Civ. P. 4(c). Otherwise, the Court has discretion to order service by the United States marshal, but it generally will not do so absent a showing that (1) there is a risk of harm to the process server or (2) the plaintiff has attempted service by other means provided in Rule 4 of the Federal Rules of Civil Procedure. *See Bax v. Exec. Office for U.S. Attorneys*, 216 F.R.D. 4, 4-5 (D.D.C. 2003); 4A Fed. Prac. & Proc. Civ. §

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<sup>1</sup> Plaintiff sent a letter requesting service by the United States Marshals Service. The Court construes this as a motion.

1090 (4th ed.); Legislative Statement to the Federal Rules of Civil Procedure Amendments Act of 1982, § 2 n.18.

Here, Plaintiff has not applied to proceed in forma pauperis under § 1915 or as a seaman under § 1916. However, he has unsuccessfully attempted service by other means under Rule 4, and upon review of the record in this case, the Court finds an order requiring service by the United States Marshalls is appropriate. Accordingly, Plaintiff's motion (Doc. 20) is **GRANTED** and the United States Marshals Service is **ORDERED** to serve Defendants in accordance with Rule 4 of the Federal Rules of Civil Procedure. Because Plaintiff is not proceeding in forma pauperis, Plaintiff is **ORDERED** to pay the costs of service.

**IT IS SO ORDERED.**

s/ Roseann A. Ketchmark  
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ROSEANN A. KETCHMARK, JUDGE  
UNITED STATES DISTRICT COURT

DATED: June 8, 2020